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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,632	06/29/2001	Michiyo Morimoto	04329.2599	4864
22852	7590	06/25/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			WONG, ALLEN C	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 06/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,632

Applicant(s)

MORIMOTO ET AL.

Examiner

Allen Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: there is no period "." at the end of claim 6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-9 are 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyagosi (6,047,027).

Regarding claim 1, Miyagosi discloses a method for decoding time data which defines a point of time for outputting a decoded frame of a video image, the method comprising:

decoding an encoded bit stream in units of one frame to generate decoded video data and a plurality of decoded header information items for each frame (fig.3, a bitstream is shown with plurality of pack headers 120 and plural PES headers 140,

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where PES headers have DTS or decoding time stamps to decode video data 150a and 150b);

detecting the time data included in each of the header information items (col.4, ln.16-21 Miyagosi discloses the detection of SCR or system clock reference time data in the pack header 120; col.4, ln.22-28, Miyagosi discloses the detection of time data PTS (presentation time stamp), DTS (decoding time stamp), and ESCR (elementary stream clock reference) in the PES header 140); and

determining identical time data which define identical points of time and are detected from at least two of the header information items as frame time data determining the point of time for outputting the decoded frame (col.4, ln.16-28, Miyagosi discloses the extraction of time data from at least two of the header information elements 120 and 140, in that the SCR is extracted from element 120 and PTS is extracted from element 140; and in col.6, ln.7-54, Miyagosi discloses the comparison of the SCR with the PTS to determine identical time data so as to properly synchronize all of the video data and the audio for output).

Note claims 2-5, 9 and 12-14 have similar corresponding elements.

Regarding claim 6, Miyagosi discloses wherein the determining step determines as the frame time data the identical time data at a time when the identical time data is detected from at least continuous three of the header information items (col.4, ln.16-28, Miyagosi discloses the use of SCR, PTS, DTS and ESCR; and col.6, ln.7-54).

Regarding claim 7, Miyagosi discloses wherein the determining step determines as the frame time data the identical time data detected from some of the header

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information items which are after the second one of the header information items when the time data of the first one of the header information items is not decoded (col.13, ln.8-50).

Regarding claim 8, Miyagosi discloses wherein the determining step determines as the frame time data the identical time data detected from ones of the header information items which are larger in number than the others of the header information items which have another identical time data different from the identical time data detected from the ones of the header information items (col.13, ln.8-50; note the value of the SCR and the PTS are compared to see which one is larger than the other).

Regarding claim 11, Miyagosi discloses wherein the decoding step decodes the encoded bit stream for each frame including a plurality of packets including the header information items, respectively (fig.3, note bit stream has multiple packets with header information elements 120 and 140).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagosi (6,047,027) in view of Ozaki (5,818,547).

Regarding claims 10 and 15, Miyagosi discloses the value of the SCR and the PTS are compared to see which one is larger than the other for proper synchronization of video and audio data for output (col.13, ln.8-50). Miyagosi does not specifically disclose which includes advancing the frame time data by a unit time when an amount of data stored in a date domain of a buffer memory that stores the encoded bit stream exceeds a given threshold value, and delaying the frame time data by a time unit when the amount of data is less than the threshold value. However, Ozaki teaches that the advancing the frame time data by a unit time when an amount of data stored in a domain of a buffer memory that stores the encoded bit stream exceeds a given threshold value, and delaying the frame time data by a time unit when the amount of data is less than the threshold value (col.8, ln.7 to col.9, ln.47; note frame advancement or the fast-forward mode depends on the comparison of the PTS (presentation time stamp) of the frame data versus the PCR (program clock reference) that is affixed with the pack header to determine if advancement is done if the comparison criteria is met, and if it is, then the frame data is advanced by one increment of unit time). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Miyagosi and Ozaki as a whole for being applicable in accurately, efficiently decoding video data, eliminating extraneous, superfluous data, and reducing production costs (col.9, ln.54-67).

Allowable Subject Matter

4. Claims 16-17 are allowed.

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The following is a statement of reasons for the indication of allowable subject matter: The prior art does not specifically disclose the combination of limitations of claim 16: a method for decoding time data which defines a point of time for outputting a decoded frame of a video image, the method comprising: searching a plurality of header information items of each frame for the time data for each frame, the time data being contained in an encoded bit stream obtained by encoding the video image; determining time data detected from the first one of the header information items as the time data defining the point of time for outputting the decoded frame when time data identical to time data detected from the first one of the header information items has been detected from the second one of the header information items, and when time data identical to time data detected from the first header information item is not detected from the second header information item and time data identical to the time data detected from the first header information item is detected from two continuous items of third and subsequent header information items; and determining time data detected from the continuous three header information items as the picture time data defining the point of time when the time data identical to time data detected from the first header information item is not detected from the second header information item and has been detected from three continuous items of second and subsequent header information items, and when the time data is not detected from the first header information item and time data detected from three continuous items of the second and subsequent header information items define identical points of time.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Allen Wong
Examiner
Art Unit 2613

AW
6/23/04